

36.11.403 DEFINITIONS Unless the context otherwise requires, the words defined shall have the following meaning when found in these rules:

(1) "Abandoned road" means a road that is permanently closed because it is not intended for use for future forest management activities or motorized vehicles and is left in a condition that provides adequate stability and surface drainage without periodic maintenance.

(2) "Active bald eagle nest" means any bald eagle nest that either:

(a) is known to be occupied by a breeding pair; or

(b) has been occupied by nesting bald eagles within the past five years.

(3) "Adjacent wetland" means a wetland located within a streamside management zone established under ARM 36.11.302. Adjacent wetlands are located immediately adjacent to streams, lakes or other bodies of water.

(4) "Administrative" unit means the full set of lands managed and administered by an individual field office.

(5) "Administrative use" means any activities associated with project preparation, planting, pre-commercial thinning, project administration, forest inventory, monitoring, salvage, prescribed burning, slash disposal, on-site license or lease administration, and maintenance activities.

(6) "Bald eagle home range" means a circular area having a radius of 2.5 miles around all nest sites that have been active within five years or as defined in a bald eagle site-specific plan.

(7) "Bald eagle nest site area" means a circular area having a radius of 0.25 mile around active or alternate nests that have been active within five years or as defined in a bald eagle site-specific plan.

(8) "Bald eagle primary use area" means the circular area extending from 0.25 mile to 0.5 mile from active and alternate nests or as defined in a bald eagle site-specific plan. The exact configuration of this area may be altered upon consultation with a department biologist, if geographic conditions allow. The intention is to best approximate the area frequented by nesting eagles. Lacking other data or consultation, the 0.25 to 0.5 mile area shall be used.

(9) "Bald eagle site-specific plan" means a site-specific plan for isolated breeding areas or unique situations that are developed for resolution of conflicts. Such plans are completed only after an intensive research effort designed to determine home range, activity patterns, perch and roost areas, food habits, foraging areas, and responses to human activity of specific pairs.

(10) "Bear management unit or BMU" means a geographic analysis area previously designated by an interagency technical committee which is meant to accommodate the year long habitat needs of both male and female grizzly bears.

(11) "Best management practices or BMP's" means a practice or set of practices adopted and prescribed by the state of Montana as the most effective and practical means of providing minimum water quality protection for forestry operations.

(12) "Black-backed woodpecker habitat" means fire-killed stands of trees greater than 40 acres, less than five years since disturbance, and with greater than 40 trees per acre that are greater than or equal to nine inches DBH.

(13) "Broadcast burning" means spreading fire through a continuous fuel cover. The fuels consist of slash resulting from forest practices, surface litter, and duff. Fuels are left in place, fairly uniform, and ignited under certain conditions with the intent to meet planned management objectives in the desired area.

(14) "Categorical exclusion" refers to a type of action that does not individually, collectively, or cumulatively require an environmental assessment or environmental impact statement unless extraordinary circumstances occur.

(15) "Class 1 stream segment" means:

(a) a portion of stream that supports fish; or

(b) a portion of stream that:

(i) normally has surface flow during six months of the year or more; and

(ii) contributes surface flow to another stream, lake or other body of water.

(16) "Class 2 stream segment" means a portion of a stream that is not a class 1 or class 3 stream segment. Two common examples of class 2 stream segments are:

(a) a portion of stream that:

(i) does not support fish;

(ii) normally has surface flow during less than six months of the year; and

(iii) contributes surface flow to another stream, lake or other body of water; or

(b) a portion of stream that:
(i) does not support fish;
(ii) normally has surface flow during six months of the year or more; and
(iii) does not contribute to another stream, lake or other body of water.

(17) "Class 3 stream segment" means:
(a) a portion of a stream that does not support fish;
(b) normally has surface flow during less than six months of the year; and
(c) rarely contributes surface flow to another stream, lake or other body of water.

(18) "Coarse filter" means an approach that supports diverse wildlife habitat by managing for a variety of forest structures and compositions, instead of focusing on habitat needs for individual, selected species. A coarse filter approach assumes that if landscape patterns and processes similar to those species evolved with are maintained, then the full complement of species will persist and biodiversity will be maintained.

(19) "Coarse woody debris or CWD" means dead woody material such as stems or limbs, generally larger than three inches in diameter.

(20) "Connectivity" means:
(a) the extent to which conditions exist or should be provided between separate forest areas to ensure habitat for breeding, feeding, or movement of wildlife and fish within their home range or migration areas; or
(b) regarding management of lynx and fisher habitat, stand conditions where sapling, pole, mature, or old stands possess greater than 39% crown canopy closure, in a patch greater than 300 feet wide.

(21) "Cover type" means a descriptor of forest stands based upon tree species composition.

(22) "Denning period" (grizzly bear) means the period from November 16 through March 31.

(23) "Department" means the department of natural resources and conservation.

(24) "Desired future condition" means the land or resource conditions that will exist if goals and objectives are fully achieved. It is considered synonymous with appropriate conditions.

(25) "Diameter at breast height or DBH" means the diameter of the stem of a tree measured at 4.5 feet from the ground.

(26) "Facultative plants" means plants that are equally likely to occur in wetlands and non-wetlands (34 to 66% estimated probability).

(27) "Facultative wetland plants" means plants that usually occur in wetlands (67 to 99% estimated probability) but are occasionally found in non-wetlands.

(28) "Flammulated owl preferred habitat types" means regionally accepted climax vegetation classifications denoted by the following acronyms:

- (a) PIPO (Pinus ponderosa)-all types;
- (b) PSME (Pseudotsuga menziesii)/AGSP (Agropyron spicatum);
- (c) PSME/FEID (Festuca idahoensis);
- (d) PSME/FESC (Festuca scabrella);
- (e) PSME/SYAL (Symphoricarpos albus);
- (f) PSME/PHMA (Physocarpus malvaceus);
- (g) PSME/VACA (Vaccinium caespitosum);
- (h) PSME/CARU (Calamagrostis rubescens);
- (i) PSME/SPBE (Spiraea betulifolia); and
- (j) PSME/ARUV (Arctostaphylos uva-ursi).

(29) "Forest management activities" means activities or operations normally associated with the management of department administered forest land including:

- (a) timber harvest;
- (b) salvage harvest;
- (c) thinning;
- (d) control and disposal of slash;
- (e) prescribed burning;
- (f) site preparation;
- (g) reforestation;
- (h) weed control;
- (i) road construction;
- (j) road maintenance;
- (k) inventory;
- (l) monitoring; and
- (m) grazing of classified forest lands.

(30) "Grizzly BMU sub-unit" means an administrative area designation related to grizzly bear recovery that approximates the home range size of a female grizzly bear.

(31) "Habitat type group or HTG" means a collection of land areas potentially capable of producing similar plant communities at climax, generally named for the predicted climax community type.

(32) "Hiding cover" means vegetation that provides visual screening capable of obstructing from view 90% of an adult grizzly bear at 200 feet.

(33) "Human activity (high intensity)" means any human use or activity associated with:

- (a) frequent and/or intensive public recreation;
- (b) heavy equipment use;
- (c) aerial yarding;
- (d) blasting;
- (e) logging;
- (f) log hauling;
- (g) pre-commercial thinning;
- (h) road construction;
- (i) site alteration; or
- (j) site development.

(34) "Human activity (low intensity)" means any minor human use or activity associated with:

- (a) dispersed and/or infrequent public recreation;
- (b) project preparation;
- (c) short-duration activities associated with site alteration or site development; and
- (d) planting.

(35) "Hydric soils" means soils that are formed under conditions of:

- (a) saturation;
- (b) flooding; or
- (c) ponding long enough during the growing season to develop anaerobic conditions in the upper soil horizons.

(36) "Investments" means the department's internal investments in forested state trust lands. These investments may include items such as:

- (a) silvicultural prescriptions;
- (b) road construction and maintenance;
- (c) plantation establishment and maintenance;
- (d) wildlife habitat structures; and
- (e) public recreation.

(37) "Isolated wetland" means a wetland that does not intercept or lie within a SMZ boundary.

(38) "Lake" means a body of water:

- (a) where the surface water is retained by either natural or artificial means;
- (b) where the natural flow of water is substantially impeded; and
- (c) which supports fish.

(39) "Lynx denning habitat" means mature forest within lynx habitat with numerous downed logs occurring in at least five-acre patches. Younger successional stages offer denning habitat where CWD amounts are high, such as areas with extensive timber blow down.

(40) "Lynx habitat" means forest lands comprised of subalpine fir or hemlock habitat types, and moist Douglas-fir, grand fir, western red cedar, and Engelmann spruce habitat types where they are intermixed with appreciable amounts of subalpine fir habitat types. Cover types may be mixed species composition (subalpine fir, hemlock, Engelmann spruce, Douglas-fir, grand fir, western larch, lodgepole pine and hardwoods), and stands dominated by lodgepole pine.

(41) "Lynx non-habitat" means:

(a) definable winter ranges normally used by high concentrations of big game animals and associated predators regardless of habitat type; or

(b) the following habitat types:

(i) ponderosa pine and dry Douglas-fir;

(ii) limber pine;

(iii) whitebark pine;

(iv) water;

(v) rock; and

(vi) permanent non-forest areas.

(42) "Mature foraging habitat (lynx)" means sawtimber stands within lynx habitat that possess moderate or well-stocked coniferous understory vegetation.

(43) "Mechanized activity" means all activities associated with:

(a) chainsaw operation and timber felling;

(b) pre-commercial thinning;

(c) motorized vehicle trips associated with administrative uses;

(d) skidding and ground-based yarding operations;

(e) aerial yarding;

(f) mechanized road construction and maintenance;

(g) log loading;

(h) log processing; and

(i) log hauling.

(44) "Moderately stocked" means forest stand density described by crown closure of 40 to 69%.

(45) "Motorized trails" means a trail without restrictions on motorized use and which legally allows use by motorized vehicles. Trails used by four-wheel-drive vehicles and motorized trail bikes are examples of this type of access route.

(46) "Non-denning period" (grizzly bear) means the period April 1 through November 15.

(47) "Obligate wetland plant" means plants that possess a greater than 99% probability of occurring in wetlands under natural conditions.

(48) "Old growth" means forest stands that meet or exceed the minimum number, size, and age of those large trees as noted in "Old-Growth Forest Types of the Northern Region" by P. Green, J. Joy, D. Sirucek, W. Hann, A. Zack, and B. Naumann (1992, USFS Northern Region, internal report).

(49) "Old growth maintenance" means silviculture treatments in old growth stands designed to retain old growth attributes, including large live trees, snags and CWD, but that would remove encroaching shade-tolerant species, create small canopy gaps generally less than one acre in size, and encourage regeneration of shade-intolerant species. This type of treatment is applicable on sites that historically would be characterized by mixed severity fire regimes, either relatively frequent or infrequent.

(50) "Old growth network" means an area consisting of more than one forest stand designated or deferred by license or easement from treatment for old growth related reasons, especially for spatial considerations.

(51) "Old growth restoration" means silviculture treatments in old growth stands designed to reduce stand risk to loss by natural disturbance agents and return them to historic levels of stocking, and/or species composition. Generally, it involves removal of shade-tolerant species, reductions in stand density, and retention of most large shade-intolerant species. This type of treatment is applicable on sites that historically would be characterized by frequent non-lethal fire regimes.

(52) "Old growth set-aside" means an old growth stand(s) designated or deferred by license or easement from treatment.

(53) "Open road" means either:

(a) a road or established trail without restriction on motorized vehicle use;

(b) a road that would otherwise meet the definition of a restricted road, but that receives ongoing use of, on average, greater than six vehicle passes per week (e.g., for administrative or commercial purposes), termed low-level use; or

(c) a road that would otherwise meet the definition of a restricted road, but receives greater than low-level use for greater than 30 days duration.

(54) "Open road density" means the percentage of a defined grizzly bear analysis area that exceeds one mile of open road or motorized trail per square mile.

(55) "Other body of water" means ponds and reservoirs greater than 1/10th acre that do not support fish; and irrigation and drainage systems draining directly into a stream, lake, pond, reservoir or other surface water. Water bodies used solely for treating, transporting, or impounding pollutants shall not be considered surface water.

(56) "Other habitat (lynx)" means forest lands in lynx habitat that do not meet the habitat definitions for denning, mature foraging, young foraging, or temporary non-lynx habitat, but serve to provide cover to facilitate movement and acquisition of alternative prey species, such as red squirrels.

(57) "Patch" means a contiguous area of vegetation similar in characteristics of interest, such as tree height, stocking, species composition, or age class. The patch can be composed of a stand, a part of a stand, or many stands.

(58) "Pileated woodpecker preferred habitat" means live, mature cottonwood stands and mature conifer forests with overstory canopies dominated by large-sized western larch or ponderosa pine, and containing Douglas-fir, large snags and CWD.

(59) "Pre-commercial thinning" means the removal of trees not for immediate financial return but to reduce stocking to concentrate growth on the more desirable trees.

(60) "Preferred fisher cover types" means cover types occurring at elevations below 6,000 feet that include:

(a) western larch/Douglas-fir;

(b) western white pine;

(c) mixed conifer;

(d) western red cedar;

(e) Engelmann spruce;

(f) Douglas-fir cover types where the species of secondary abundance is:

(i) Engelmann spruce;

(ii) grand fir; or

(iii) western red cedar.

(61) "Project level" means within the analysis of a proposed action under the Montana Environmental Policy Act (MEPA).

(62) "Rendezvous site" means a gathering site for members of a wolf pack used primarily for pup rearing during the summer and occasionally for security during the fall or early winter.

(63) "Restricted road" (in areas other than grizzly security core) means a road on which motorized vehicle use shall be restricted seasonally or yearlong.

(a) Such roads require physical obstruction, generally a gate, and motorized vehicle use is legally restricted.

(b) Low-level motorized administrative use by personnel of resource management agencies, their contractors, and their permittees shall be acceptable. Low-levels are defined as:

(i) ongoing use of, on average, less than seven vehicle passes per week; or

(ii) use greater than six vehicle passes per week, but for a duration of less than 31 days.

duration of less than 31 days.

(c) The following uses shall be allowed on restricted roads, and shall not be considered in calculation of use level:

- (i) fire suppression;
- (ii) unforeseen events involving human safety;
- (iii) activities potentially beneficial to bears of duration less than two weeks that include monitoring, tree planting and prescribed burning.

(64) "Riparian management zone (RMZ)" means an additional area of streamside buffer established when forest management activities are proposed on sites with high erosion risk or on sites that are adjacent to fish bearing streams or lakes.

(65) "Road" means all created or evolved routes that are greater than 500 feet long, which are reasonably and prudently drivable with a conventional passenger car or pickup.

(66) "Road closure" means gates, berms, debris, or other facilities necessary to close existing roads to motorized public use.

(67) "Road construction" means cutting and filling of earthen material that results in a travel-way for wheeled vehicles.

(68) "Road in security core areas" (grizzly bear) means roads within security core areas that have permanent closure devices (unless the security core designation is removed).

(a) Examples of such closure devices shall include but are not limited to:

- (i) tank traps;
- (ii) large boulders; and
- (iii) dense vegetation.

(69) "Road maintenance" means maintenance and repair of existing roads that are accessible to motorized use, including but not limited to:

- (a) blading;
- (b) reshaping; or
- (c) resurfacing the road to its original condition;
- (d) cleaning culverts;
- (e) restoring and perpetuating road surface drainage features; and
- (f) clearing the roadside of brush.

(70) "Road reconstruction" means upgrading road to accommodate proposed use.

(71) "Salvage" means the removal of dead trees or trees being damaged or killed by injurious agents other than competition, to recover value that would be otherwise lost.

(72) "Saplings" means trees with DBH from one to 4.99 inches.

(73) "Sawtimber" means size class comprised of trees greater than or equal to nine inches DBH.

(74) "Seasonally secure area" means an area of high seasonal habitat quality that is seasonally secure from:

(a) motorized access and high non-motorized use; and

(b) approximates in size that portion of a female grizzly bear's home range where a concentration of use is expected to occur.

(75) "Security core areas" means areas typically greater than 2,500 acres that during the non-denning period:

(a) are free of motorized access;

(b) consider the geographic distribution of seasonal habitats important to grizzly bears;

(c) remain in place for long periods, preferably 10 years; and

(d) are at least 0.3 mile from the nearest access route that can be used by a motorized vehicle.

(76) "Seedling" means trees with DBH less than one inch.

(77) "Silvicultural systems" means treatments applied to forest stands to accomplish specific goals.

(a) This term includes, but is not limited to:

(i) even-aged regeneration treatments;

(ii) uneven-aged treatments; and

(iii) commercial thinning.

(78) "Silviculture" means the art and science of managing trees and forests for specific objectives. Silviculture entails the manipulation of forest and woodland vegetation in stands and on landscapes to meet the diverse needs and values of landowners and society on a sustainable basis.

(79) "Simple linear calculation" means road mile distance divided by the number of 640 acre sections in a given analysis area.

(80) "Site index" means the height of free to grow trees at a specific base age of 50 years.

(81) "Site potential tree height" means the average height of the dominant or co-dominant trees of a stand for a given age based on site index.

(82) "Sites with high erosion risk" means sites located on highly erodible soils or subject to conditions that result in higher risk of erosion.

(a) Examples of highly erodible soils are non-cohesive sands such as:

- (i) granitics; and
- (ii) silts with low rock content.

(b) Conditions leading to high erosion risk include:

- (i) those areas that are susceptible to mass wasting;
- (ii) those areas already exhibiting high levels of erosion;

or

(iii) severely burned areas where:

- (A) bare mineral soil is exposed; or
- (B) hydrophobic conditions occur.

(83) "Slash" means the woody debris that is dropped to the forest floor during forest practices and consists of:

- (a) stems;
- (b) branches;
- (c) twigs; and
- (d) leaves.

(84) "Stream" means a natural watercourse of perceptible extent that has a generally sandy or rocky bottom or definite banks and that confines and conducts continuously or intermittently flowing water.

(85) "Streamside management zone or SMZ" means the stream, lake or other body of water and an adjacent area of varying width where management practices need to be modified if they might affect wildlife habitat, water quality, fish, or other aquatic resources. The SMZ encompasses a strip at least 50 feet wide on each side of a stream, lake, or other body of water, measured from the ordinary high-water mark, and extends beyond the high-water mark to include wetlands and areas that provide additional protection in zones with steep slopes or erosive soils.

(86) "Temporary non-lynx habitat" means:

- (a) seedling stands;
- (b) sapling to old age class stands with less than 40% canopy closure;

(c) non-stocked clearcuts; and

(d) stand-replacement burns which are likely to develop future habitat characteristics through forest succession that are important to lynx.

are important to grizzly.

(87) "Total road density" means the percentage of a defined grizzly bear analysis area that exceeds two miles of:

- (a) open roads;
- (b) restricted roads; and
- (c) motorized trails per square mile.

(88) "Urban/forestland interface" means lands managed by the department where proximity to human habitation warrants special consideration.

(89) "Unique and rare habitats" means a designation applied to areas of wetlands, caves, archeological sites, patches of threatened or endangered plants, or as required by state or federal law.

(90) "Visual obstruction" means that at least 90% of an adult grizzly bear is hidden from view.

(91) "Visual screening" (grizzly bear) means vegetation and/or topography providing visual obstruction that makes it difficult to see into adjacent areas from the roadbed. The distance required to provide visual screening, typically 100 feet, is dependent upon the type and density of cover available.

(92) "Water quality limited water body" means a water body considered by the Montana department of environmental quality to be impaired, and included on the most recent version of the Montana 303(d) list.

(93) "Well stocked" means stands with:

- (a) seedlings up to 0.99 inch DBH occurring at densities greater than 600 trees per acre;
- (b) sapling trees one to 4.99 inches DBH occurring at densities greater than 300 trees per acre;
- (c) pole trees five to 8.99 inches DBH providing crown canopy densities of greater than 69%; or
- (d) sawtimber trees greater than or equal to nine inches DBH providing a crown canopy density of greater than 69%.

(94) "Wetland management zone or WMZ" means a specified area adjacent to and encompassing an isolated wetland or adjacent to a wetland located next to a stream, lake, or other body of water where specific resource protection measures are implemented

(95) "Wetlands" means those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions.

(a) Wetlands include:

(i) marshes;

(ii) swamps;

(iii) bogs; and

(iv) similar areas.

(96) "Young foraging habitat" (lynx) means conifer seedling and sapling stands within lynx habitat with average height greater than or equal to six feet and density greater than or equal to 4,000 stems per acre. (History: 77-1-202, 77-1-209, 77-5-201, 77-5-204, MCA; IMP, 77-5-116, 77-5-204, 77-5-206, 77-5-207, MCA; NEW, 2003 MAR p. 397, Eff. 3/14/03.)